

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 18TH DAY OF JUNE 1998

B E F O R E

THE HON'BLE MR. JUSTICE CHANDRASHEKARAIHAH

WRIT PETITION NO.14520/1991

C/w

WRIT PETITION NO. 4190/1991

BETWEEN:

IN W.P.No.14520/91:

Smt.Indu Jagadish Jaju,
age: major, Occ: Business,
R/o Bijapur.

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... Petitioner.

(By Sri Ashok R.Kalyanshetty for Petr.)

AND:

1. The State of Karnataka,
by its Secretary to Govt.,
Revenue Dept., M.S.Building,
Bangalore - 1.
2. The Deputy Commissioner,
Bijapur Dist., Bijapur.
3. The Asst. Commissioner,
Bijapur Sub Divn. and
Land Acquisition Officer,
Bijapur.

... 2/-

4. The Agricultural Produce
Market Committee, Bijapur,
by its Secretary,
At: Bijapur. ... Respondents.

(By Sri K.Nagaraja, HCGP, for R-1 to R-4.)

This Writ Petition filed under Articles 226
& 227 of the Constitution of India with an affi-
davit praying to: quash annexure A dt.17-1-91
No.RN.LAQ.SR.8/88-89 and etc.

IN W.P.No.4190/91:

BETWEEN:

Sri Basetteppa, S/o Dundappa
Anneppanavar, Age: Major,
Occ: Agriculturist,
R/o Bijapur, Taluk &
Dist: Bijapur. ... Petitioner.

(By Sri Ramesh B.Aneppanavar for Petr.)

AND:

1. The State of Karnataka by
its Secretary, Revenue Dept.,
Sachivalaya-2, Bangalore - 1.
2. The Deputy Commissioner,
Bijapur, Bijapur Dist.
3. The Asst. Commissioner,
Bijapur, Bijapur Dist.

... 3/-

4. The Agricultural Produce
Market Committee, Bijapur
by its Secretary, Bijapur,
Taluk & Dist: Bijapur. ... Respondents.

(By Sri K.Nagaraja, HCGP, for R-1 to R-3,
Sri Patil & Patil for R-4.)

This Writ Petition filed under Articles 226
& 227 of the Constitution of India with an affi-
davit praying to: Quash Annexure-A dt.17.1.91
bearing No.RB.LAQ.SR.8/88-89 issued by R-1 & etc.

These Writ Petitions coming on for hearing
this day, the Court made the following:

O R D E R

bsr(c.t.)

r.by: *B*
30/7/98

c.by: *L*



WP.14520/ C/w.
4190/91.

O R D E R

18-6-1998

The petitioners have challenged the notifications issued under Sec.4(1) and 6(1) of the Land Acquisition Act, in these petitions.

2. The Division Bench of this Court in WP.3539 to 3542 of 96 and other connected petitions, dated 15-6-1998, has held that the Karnataka Land Acquisition Act, 1961 was non-existent being impliedly repealed with the commencement of Central Act 1/1894 and further held that the Deputy Commissioner who issued the notification under sec.4(1) of the Act, subsequent to Central Act 1 of 1894 as amended by Act 68 of 1984 came into force is without authority of law.

3. In the case on hand also, the preliminary notification is dated 17-1-91, that is, subsequent to the Central Amendment Act 68/1984 came into force. Following the said decision and for the reasons stated therein, this petition is allowed; the impugned notifications issued u/s.4(1) and 6(1) of the L.A. Act, are quashed insofar as the petitioner's lands are concerned. However, this order will not come in the way of the State Government to initiate fresh proceedings.

Sd/-
JUDGE

